

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

LANCE GERALD MILLIMAN,

Civil No. 05-2993 (JRT/RLE)

Plaintiff,

v.

ORDER

TAMARACK COURT, INC.,
DALE WAGNER, GARY PLAMANN,
DARHLA PLAMANN, NEILS, FRANZ
& CHIRHART, and NEIL FRANZ,

Defendants.

Larry Gerald Milliman, 60009 Three Hundred Seventy Third Street, Eden Valley, Minnesota 55329, plaintiff *pro-se*.

Patrick M. O'Donnell, **SMITH PAULSEON O'DONNELL & ASSOCIATES**, Post Office Box 668, Monticello, Minnesota 55362, for defendants Tamarack Court, Inc., Dale Wagner, Gary Plamann and Darhla Plamann.

Keith J. Broady, **LOMMEN ABDO COLE KING & STAGEBERG, PA**, 80 South Eighth Street, Suite 2000, Minneapolis, Minnesota 55402, for defendants Neils, Franz & Chirhart and Neil Franz.

Based upon the Report and Recommendation of United States Chief Magistrate Judge Raymond L. Erickson, and after an independent review of the files and records in this case, and on the fact that no objections have been filed to the Report and Recommendation, **IT IS HEREBY ORDERED** that:

1. That the Motion of the Franz defendants to dismiss [Docket No. 65] is granted.

2. That the Motion of the Tamarack defendants to dismiss [Docket No. 68] is granted.

3. That the Motion of the Plamanns to dismiss [Docket No. 139] is granted.

4. That plaintiff's Motion for a temporary restraining order [Docket No. 80] is denied.

DATED: February 19, 2007
at Minneapolis, Minnesota.

s/John R. Tunheim
JOHN R. TUNHEIM
United States District Judge